

5 February 2004
Application No.: 09/761,514
Docket: 1964.us

b.) Remarks

Claims 1 through 48 are pending in this application. New claims 30-48 has been added to alternatively define Applicants' invention.

Claims 1-29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, with respect to independent claims 1 and 29, it was questioned "what type of "force" is provided in the "aligning" step of these method claims." This rejection is respectfully traversed for the following reasons.

Generally, Applicants request some clarification of this rejection. Specifically, the basis for the rejection questions the type of "force". The word "force", however, is not used in any of these claims. Thus, Applicants do not understand sense in which the claims are "indefinite". In other words, how does the use of the word "force", or not, in the description of the aligning step render the claims difficult to understand by one skilled in the art? That is, the Applicants do not understand how the claims could be indefinite for failing to specify a "force" when the claims do not even refer to any type of "force". Thus, for the foregoing reasons, the Applicants believe that this rejection should be withdrawn. In the alternative, Applicants request clarification of this rejection.

Claims 1-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,207,950 to Verdiell. This rejection is respectfully traversed for the following reasons.

Claim 1, for example, requires installing optical components on an optical bench, followed by measuring the positions of the optical components, and aligning the optical components in response to those positions.

This sequence of operation is not shown by the Verdiell patent. The Verdiell patent is directed to a conventional active alignment system. Specifically as shown in Figs. 3A-3C, after the optical train including the chip 18, ball lens 16, and optical fiber 22 are attached to the bench, the flexures 29 are then bent using the positioner 52. This is a conventional active alignment system in which the flexures are deformed to maximize the coupling into the fiber.

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In contradistinction, claim 1 for example, requires measuring the positions of the optical components, and then aligning the optical components in response to these measured positions. This corresponds to a passive alignment process. In short, the Verdiell patent does not measure the positions of the optical components. Instead, it deforms the flexures in an active alignment process.

Thus, Applicants respectfully believe that this rejection is not warranted.

Claims 1-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German Application DE 198 05 849. This rejection is respectfully traversed.

The rejection noted that "only an abstract and Figures have been provided in applicants' Information Disclosure Statement and International Search Report, such that no complete translation is available at this time."

Applicants request clarification. Applicants' records show that the entire copy of German Application DE 198 05 849 was submitted in the Information Disclosure Statement, not merely its abstract and figures. If the full copy of this reference is not available or has been lost, the Examiner is respectfully requested to contact the undersigned.

Applicants also note that a translation of this document is not available to them. They also note that Applicants' representative cannot read German.

In any event, Applicants respectfully believe that *prima facie* obviousness has not been established. As required in claim 1, for example, the steps of installing the optical components on an optical bench, measuring the positions of the optical components, and then aligning the optical components in response to the positions is required.

The pending Office Action argues that this German reference shows the installation of optical components and the measuring of positions of the optical components. The Office Action never asserts that the reference discloses or that it would be obvious for one skilled in the art to align the optical components in response to these measured positions.

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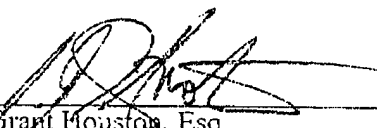
As stated previously, this is a critical aspect of the present invention. Specifically, the installation, followed by measurement, followed by alignment relative to the measurements enables the present invention to achieve higher speed alignment than is possible with most active alignment systems.

For the foregoing reasons, Applicants believe that the present claimed invention is distinguishable over the applied reference. Withdrawal of the rejection is respectfully requested.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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